

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION 3:16-CV-00819 FDW-DCK

JUSTIN DRISKELL,)
)
Plaintiff,)
)
-vs)
)
SUMMIT CONTRACTING GROUP, INC.)
)
Defendant.)

PLAINTIFF'S MOTION FOR CLARIFICATION

NOW COMES Plaintiff Justin Driskell, by and through counsel, moves the Court to enter an order clarifying its order dated November 18, 2020 (ECF No. 129), and in support of his motion states the following:

1. On November 6, 2020, this Court entered the mandate of the United States Fourth Circuit Court of Appeals stating, “[t]he judgement of this court, entered September 24, 2020, takes effect today.” (ECF No. 128).
2. On November 18, 2020, this Court entered an order stating, “The Court hereby orders Plaintiff to submit a proposed judgment, including dollar amounts, in accordance with the Fourth Circuit’s opinion and mandate. (ECF No. 129).
3. Considering the November 6, 2020 mandate from the Fourth Circuit and this Court’s Order dated November 18, 2020, it is unclear whether Plaintiff’s timeline to file subsequent motions for fees and costs pursuant to Federal Rule of Civil Procedure, Rule 54 began on the date the Fourth Circuit entered its mandate (November 6, 2020) or whether Plaintiff

must wait to file subsequent motions until after this Court enters Judgment pursuant to its November 18, 2020 Order. (ECF No. 129).

4. Plaintiff intended to file its subsequent motions on November 20, 2020 but instead was informed by the Clerk of Court to first file a proposed judgment pursuant to this Court's November 18, 2020 Order (ECF No. 129), and then to wait for this Court's judgment to be entered prior to filing and Rule 54 motions.
5. Therefore, out of an abundance of caution, Plaintiff hereby files this Motion for Clarification.

WHEREFORE, Plaintiff requests clarification of this Court's order dated November 18, 2020.

This is the 20th day of November, 2020.

/s/ Nicole K. Haynes

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CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that the pleading to which this certificate is attached was filed electronically with the Court's CM/ECF system, which effects electronic service upon each party to this action by email at the addresses stated below:

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This the 20th day of November, 2020.

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